

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2283

Introduced by Assembly Member Miller

February 18, 2010

An act to *amend Sections 7003, 7006, 7006.5, 7010, 7010.5, 7051, 7052.5, 7054.3, 7054.4, 7054.7, and 7055 of, to add Section 7001.5 to, and to add Article 8 (commencing with Section 8365) to Chapter 2 of Part 3 of Division 8 of, the Health and Safety Code, relating to alkaline hydrolysis.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2283, as amended, Miller. Disposition of human remains: alkaline hydrolysis.

Under existing law, the Cemetery and Funeral Bureau licenses and regulates crematoria and various professions relating to the disposition of human remains. *Existing law defines cremation, residue, cemetery, and crematory, and requires a written acknowledgment containing specified information from the person entitled to control the disposition of cremated remains.* Violation of these provisions is a misdemeanor.

This bill would *define “alkaline hydrolysis,” as specified, would change the definition of cremation to include alkaline hydrolysis, and would make conforming changes to other definitions. The bill would require a written acknowledgment containing specified information from the person authorized to control the remains to be disposed of through alkaline hydrolysis. The bill would require the bureau, not later than July 1, 2011, to adopt regulations for the safe operation of alkaline hydrolysis chambers.*

By expanding the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 7001.5 is added to the Health and Safety*
- 2 *Code, to read:*
- 3 7001.5. “Alkaline hydrolysis” means a chemical dissolution
- 4 process using heat, high pressure water, and potassium hydroxide
- 5 to hydrolyze human tissue and the consumable container.
- 6 SEC. 2. Section 7003 of the Health and Safety Code is amended
- 7 to read:
- 8 7003. “Cemetery” means either of the following:
- 9 (a) Any of the following that is used or intended to be used and
- 10 dedicated for cemetery purposes:
- 11 (1) A burial park, for earth interments.
- 12 (2) A mausoleum, for crypt or vault interments.
- 13 (3) A crematory and columbarium, for ~~crematory interments~~ *the*
- 14 interment of cremated remains.
- 15 (b) A place where six or more human bodies are buried.
- 16 SEC. 3. Section 7006 of the Health and Safety Code is amended
- 17 to read:
- 18 7006. “Crematory” means a building or structure containing
- 19 one or more ~~furnaces~~ *cremation chambers* for the reduction of
- 20 bodies of deceased persons to cremated remains.
- 21 SEC. 4. Section 7006.5 of the Health and Safety Code is
- 22 amended to read:
- 23 7006.5. “Cremation container” means a combustible *or*
- 24 consumable, closed container resistant to leakage of bodily fluids
- 25 into which the body of a deceased person is placed prior to insertion
- 26 in a cremation chamber for cremation.
- 27 SEC. 5. Section 7010 of the Health and Safety Code is amended
- 28 to read:

1 7010. “Cremation” means the process by which the following
2 three steps are taken:

3 (a) The reduction of the body of a deceased human to its
4 essential elements by incineration *or alkaline hydrolysis*.

5 (b) The repositioning or moving of the body or remains during
6 incineration to facilitate the process.

7 (c) The processing of the remains after removal from the
8 cremation chamber pursuant to Section 7010.3.

9 *SEC. 6. Section 7010.5 of the Health and Safety Code is*
10 *amended to read:*

11 7010.5. “Residue” means human ashes, bone fragments,
12 prostheses, and disintegrated material from the chamber itself,
13 imbedded in cracks and uneven spaces of a cremation chamber,
14 that cannot be removed through reasonable manual contact with
15 sweeping or scraping equipment. Material left in the cremation
16 chamber, after the completion of a cremation, that can be
17 reasonably removed shall not be considered “residue.” *Residue*
18 *shall not mean the effluent discharged following alkaline*
19 *hydrolysis.*

20 *SEC. 7. Section 7051 of the Health and Safety Code is amended*
21 *to read:*

22 7051. Every person who removes~~any~~ part of~~any~~ human
23 remains from~~any~~ a place where it has been interred, or from~~any~~
24 a place where it is deposited while awaiting interment or cremation,
25 with intent to sell it or to dissect it, without authority of law, or
26 written permission of the person or persons having the right to
27 control the remains~~under~~ pursuant to Section 7100, or with malice
28 or wantonness, has committed a public offense that is punishable
29 by imprisonment in the state prison.

30 This section shall not prohibit the removal of foreign materials,
31 pacemakers, or prostheses from cremated remains by an employee
32 of a licensed crematory prior to final processing~~of ashes~~. Dental
33 gold or silver, jewelry, or mementos, to the extent that they can
34 be identified, may be removed by the employee prior to final
35 processing if the equipment is such that it will not process these
36 materials. However,~~any~~ dental gold and silver, jewelry, or
37 mementos that are removed shall be returned to the urn or cremated
38 remains container, unless otherwise directed by the person or
39 persons having the right to control the disposition.

1 SEC. 8. *Section 7052.5 of the Health and Safety Code is*
2 *amended to read:*

3 7052.5. Notwithstanding ~~the provisions of~~ Section 7052,
4 cremated remains may be removed from the place of interment
5 for disposition as provided in Section 7054.6, *Section 7116*, or for
6 burial at sea as provided in Section 7117.

7 SEC. 9. *Section 7054.3 of the Health and Safety Code is*
8 *amended to read:*

9 7054.3. Notwithstanding any other ~~provision of~~ law, a
10 recognizable dead human fetus of less than 20 weeks uterogestation
11 not disposed of by interment shall be disposed of by ~~incineration~~
12 *cremation*.

13 SEC. 10. *Section 7054.4 of the Health and Safety Code is*
14 *amended to read:*

15 7054.4. Notwithstanding any other ~~provision of~~ law,
16 recognizable anatomical parts, human tissues, anatomical human
17 remains, or infectious waste following conclusion of scientific use
18 shall be disposed of by interment, incineration, *alkaline hydrolysis*,
19 or any other method determined by the state department to protect
20 the public health and safety.

21 As used in this section, “infectious waste” means any material
22 or article ~~which~~ *that* has been, or *that* may have been, exposed to
23 contagious or infectious disease.

24 SEC. 11. *Section 7054.7 of the Health and Safety Code is*
25 *amended to read:*

26 7054.7. (a) Except with the express written permission of the
27 person entitled to control the disposition of the remains, no person
28 shall:

29 (1) Cremate the remains of more than one person at the same
30 time in the same cremation chamber, or introduce the remains of
31 a second person into a cremation chamber until incineration *or*
32 *alkaline hydrolysis* of ~~any the~~ preceding remains has been
33 terminated and reasonable efforts have been employed to remove
34 all fragments of the preceding remains. The fact that there is residue
35 in the cremation chamber or other equipment or ~~any~~ container used
36 in a prior cremation is not a violation of this section.

37 (2) Dispose of or scatter cremated remains in a manner or in a
38 location that the remains are commingled with those of another
39 person. This paragraph shall not apply to the scattering of cremated
40 remains at sea from individual containers or to the disposal in a

1 dedicated cemetery of accumulated residue removed from a
2 cremation chamber or other cremation equipment.

3 (3) Place cremated or uncremated remains of more than one
4 person in the same container or the same interment space. This
5 paragraph shall not apply to the following:

6 (A) Interment of members of the same family in a common
7 container designed for the cremated remains of more than one
8 person.

9 (B) Interment in a space or container that has been previously
10 designated at the time of sale as being intended for the interment
11 of remains of more than one person.

12 (C) Disposal in a dedicated cemetery of residue removed from
13 a cremation chamber or other cremation equipment.

14 (b) ~~Written acknowledgement~~ *If the remains are being cremated*
15 *by incineration, written acknowledgment* from the person entitled
16 to control the disposition of the cremated remains shall be obtained
17 by the person with whom arrangements are made for disposition
18 ~~of the remains on a crematory on a cremation authorization form~~
19 that includes, but is not limited to, the following information: "The
20 human body burns with the casket, container, or other material in
21 the cremation chamber. Some bone fragments are not combustible
22 at the incineration temperature and, as a result, remain in the
23 cremation chamber. During the cremation, the contents of the
24 chamber may be moved to facilitate incineration. The chamber is
25 composed of ceramic or other material which disintegrates slightly
26 during each cremation and the product of that disintegration is
27 commingled with the cremated remains. Nearly all of the contents
28 of the cremation chamber, consisting of the cremated remains,
29 disintegrated chamber material, and small amounts of residue from
30 previous cremations, are removed together and crushed, pulverized,
31 or ground to facilitate inurnment or scattering. Some residue
32 remains in the cracks and uneven places of the chamber.
33 Periodically, the accumulation of this residue is removed and
34 interred in a dedicated cemetery property, or scattered at sea." ~~The~~
35 ~~acknowledgment shall be filed and retained, for at least five years,~~
36 ~~by the person who disposes of or inters the remains.~~

37 (c) *If remains are being cremated through alkaline hydrolysis,*
38 *written acknowledgment from the person entitled to control the*
39 *disposition of cremated remains shall be obtained by the crematory*
40 *on a cremation authorization form that includes, but is not limited*

1 to, the following information: “During the chemical dissolution
2 process, heat, high pressure water, and potassium hydroxide are
3 used to hydrolyze the human tissue and the consumable container.
4 After the process is complete, the sterile liquid solution is cooled
5 and released in accordance with local environmental regulations.
6 A hot water rinse is then applied to the cremated remains, which
7 are then dried, crushed, pulverized, or ground to facilitate
8 interment or scattering.”

9 (d) The acknowledgment required pursuant to subdivision (b)
10 or (c) shall be contained within the cremation authorization and
11 retained as crematory records pursuant to Section 8343.

12 (e)

13 (e) Any person, including any corporation or partnership,
14 knowingly violating any provision of this section is guilty of a
15 misdemeanor.

16 SEC. 12. Section 7055 of the Health and Safety Code is
17 amended to read:

18 7055. (a) Every person, who for himself or herself or for
19 another person, interrs or ~~ineinerates~~ cremates a body or permits
20 the same to be done, or removes ~~any~~ remains, other than cremated
21 remains, from the primary registration district in which the death
22 or ~~ineineration~~ cremation occurred or the body was found, except
23 a removal by a funeral director in a funeral director’s conveyance
24 or an officer of a duly accredited medical college engaged in
25 official duties with respect to the body of a decedent who has
26 willfully donated his or her body to the medical college from that
27 registration district or county to another registration district or
28 county, or within the same registration district or county, without
29 the authority of a burial or removal permit issued by the local
30 registrar of the district in which the death occurred or in which the
31 body was found; or removes interred human remains from the
32 cemetery in which the interment occurred, or removes cremated
33 remains from the premises on which the cremation occurred
34 without the authority of a removal permit is guilty of a
35 misdemeanor and punishable as follows:

36 (1) For the first offense, by a fine of not less than ten dollars
37 (\$10) nor more than five hundred dollars (\$500).

38 (2) For each subsequent offense, by a fine of not less than fifty
39 dollars (\$50) nor more than five hundred dollars (\$500) or

1 imprisonment in the county jail for not more than 60 days, or by
2 both.

3 (b) Notwithstanding subdivision (a), a funeral director of a
4 licensed out-of-state funeral establishment may transport human
5 remains out of this state without a removal permit when he or she
6 is acting within the requirements specified in subdivision (b) of
7 Section 103050.

8 **SECTION 1.**

9 *SEC. 13.* Article 8 (commencing with Section 8365) is added
10 to Chapter 2 of Part 3 of Division 8 of the Health and Safety Code,
11 to read:

12
13 Article 8. Alkaline Hydrolysis

14
15 8365. Not later than July 1, 2011, the Cemetery and Funeral
16 Bureau shall adopt regulations for the safe operation of alkaline
17 hydrolysis chambers.

18 ~~SEC. 2.~~

19 *SEC. 14.* No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.